



## 1995 SENATE BILL 125

April 4, 1995 - Introduced by Senators COWLES and DRZEWIECKI, cosponsored by Representatives DUFF, DOBYNS, R. POTTER, HAHN, ROBSON, SPRINGER, SERATTI, HUBER and ALBERS. Referred to Committee on State Government Operations and Corrections.

1     **AN ACT to amend** 6.22 (4), 6.24 (4) (a) and 6.86 (1) (b); and **to create** 6.24 (4) (c)  
2             of the statutes; **relating to:** the date for making application for absentee ballots  
3             and the procedure whereby overseas electors may obtain absentee ballots for  
4             elections.

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### *Analysis by the Legislative Reference Bureau*

Currently, an elector who qualifies to vote by absentee ballot may apply for an absentee ballot for a specific election no sooner than the first day of the 6th month beginning before the election, unless the elector is a sequestered juror or is hospitalized, in which case the elector may apply no sooner than 7 days before the election. A sequestered juror's ballot is delivered to the circuit judge in whose court the juror serves and a hospitalized elector's ballot is delivered to the elector's agent. This bill deletes all limitations concerning the earliest time that absentee electors may apply for absentee ballots except that the bill retains the current 7-day period during which a hospitalized elector may apply for an absentee ballot by agent.

Currently, an individual who qualifies as a "military elector" because the individual is a member of the U.S. armed forces or merchant marine, a civilian employe of the United States who serves outside the country, a peace corps volunteer or a spouse or dependent of such an individual who resides with or accompanies the individual may vote in an election for national, state or local office in Wisconsin. A military elector may separately request an absentee ballot for each election in which the elector wishes to vote or may request an absentee ballot for all elections. Currently, an individual who qualifies as an "overseas elector" because the individual is a U.S. citizen and was last domiciled in Wisconsin before establishing a permanent residence outside of the United States may vote in elections for national office in Wisconsin. An overseas elector must separately request an absentee ballot for each national election in which the elector wishes to vote in order to receive a ballot. This bill directs municipal clerks and boards of election commissioners, upon

receipt of a request for an absentee ballot from a qualified overseas elector, to mail ballots to the elector for all subsequent elections for national office to be held during the year in which the ballot is requested and the following year, unless the individual otherwise requests or the individual no longer qualifies as an overseas elector.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 6.22 (4) of the statutes is amended to read:

2           6.22 (4) INSTRUCTIONS AND HANDLING. ~~A~~ An individual who qualifies as a  
3 military elector may request an absentee ballot for any election, or for all elections  
4 until the individual otherwise requests or until the individual no longer qualifies as  
5 a military elector. A military elector's application for all elections may be received  
6 at any time. ~~A military elector's application for an individual election may be~~  
7 ~~received no earlier than the first day of the 6th month commencing before the~~  
8 ~~election.~~ The municipal clerk shall not mail a ballot for an election if the application  
9 is received later than 5 p.m. on the Friday preceding that election. The municipal  
10 clerk shall mail a ballot, as soon as available, to each military elector who requests  
11 a ballot. The board shall prescribe the instructions for marking or punching and  
12 returning ballots and the municipal clerk shall enclose instructions with each ballot  
13 and shall also enclose supplemental instructions for local elections. The envelope,  
14 return envelope or explanatory note may not contain the name of any candidate  
15 appearing on the enclosed ballots other than that of the municipal clerk affixed in  
16 the fulfillment of his or her duties. The material shall be prepared and mailed to  
17 make use of the federal free postage laws. The mailing list established under this  
18 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

19           **SECTION 2.** 6.24 (4) (a) of the statutes is amended to read:

1           6.24 (4) (a) An overseas elector who is properly registered where registration  
2 is required may request an absentee ballot in writing under ss. 6.86 to 6.89. The  
3 board shall prescribe a special certificate affidavit form for the envelope for overseas  
4 electors under this section which shall be substantially similar to that provided in  
5 s. 6.87 (2).

6           (c) An overseas elector who is not registered may request both a registration  
7 form and an absentee ballot for a specific election at the same time, and the municipal  
8 clerk shall mail the ballot automatically if the registration form is received within  
9 the time prescribed in s. 6.30 (3). The board shall prescribe a special certificate  
10 affidavit form for the envelope in which the absentee ballot for overseas electors is  
11 contained, which shall be substantially similar to that provided under s. 6.87 (2).

12 Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 an  
13 overseas elector may fulfill the requirements by subscribing or swearing before any  
14 person authorized to administer oaths or 2 adult U.S. citizens.

15           **SECTION 3.** 6.24 (4) (c) of the statutes is created to read:

16           6.24 (4) (c) Upon receipt of a timely application from an individual who  
17 qualifies as an overseas elector and who has registered to vote in a municipality  
18 under sub. (3) whenever registration is required in that municipality, the municipal  
19 clerk of the municipality shall mail an absentee ballot to the individual for all  
20 subsequent elections for national office to be held during the year in which the ballot  
21 is requested and the following year, unless the individual otherwise requests or until  
22 the individual no longer qualifies as an overseas elector.

23           **SECTION 4.** 6.86 (1) (b) of the statutes is amended to read:

24           6.86 (1) (b) Except as provided in s. ~~6.22 (4) and sub. (3)~~ this section, if  
25 application is made in writing, the application, signed by the elector, shall be

1 received no ~~sooner than the first day of the 6th month commencing before the election~~  
2 ~~nor after~~ later than 5 p.m. on the Friday immediately preceding the election. If  
3 application is made in person, the application shall ~~not be made sooner than the first~~  
4 ~~day of the 6th month commencing before the month of the election nor~~ no later than  
5 5 p.m. on the day preceding the election. If the elector is making written application  
6 and the reason for requesting an absentee ballot is that the elector is a sequestered  
7 juror, the application shall be received no ~~sooner than 7 days before the election nor~~  
8 ~~after~~ later than 5 p.m. on election day. If the application is received after 5 p.m. on  
9 the Friday immediately preceding the election, the municipal clerk or the clerk's  
10 agent shall immediately take the ballot to the court in which the elector is serving  
11 as a juror and deposit it with the judge. The judge shall recess court, as soon as  
12 convenient, and give the elector the ballot. The judge shall then notarize the affidavit  
13 as provided in s. 6.87 and shall ~~turn~~ deliver the ballot ~~over~~ to the clerk or agent of  
14 the clerk who shall deliver it to the polling place as required in s. 6.88. If application  
15 is made under sub. (2), the application may be received ~~at any time before~~ no later  
16 than 5 p.m. on the Friday immediately preceding the election.

17 **SECTION 5. Initial applicability.**

18 (1) This act first applies with respect to absentee ballots requested for the 1996  
19 September primary election.

20 (END)